

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CRIMINAL NO. 02-00225DAE
Plaintiff,) Honolulu, Hawaii
vs.) September 5, 2007
(01) ANDY S. S. YIP,) 9:06 a.m.
(02) BRENDA M. O. CHUNG,) FURTHER JURY TRIAL
Defendants.) (CONTINUED TESTIMONY OF
ERIKO DMITROVSKY
& RONALD LEE)

PARTIAL TRANSCRIPT OF JURY TRIAL
BEFORE THE HONORABLE DAVID ALAN EZRA
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: LESLIE E. OSBORNE, JR., ESQ.
Office of the United States Attorney
PJKK Federal Building
300 Ala Moana Blvd., Suite 6100
Honolulu, Hawaii 96850

For Defendant Yip: HOWARD T. CHANG, ESQ.
Howard T. Chang, AAL, ALC
Suite 475 Pauahi Tower
1003 Bishop Street
Honolulu, Hawaii 96813

For Defendant Chung: HOWARD K. K. LUKE, ESQ.
Law Office of Howard K. K. Luke
Davies Pacific Center
841 Bishop Street, Ste. 2022
Honolulu, Hawaii 96813

Official Court Reporter: Cynthia Fazio, RMR, CRR
United States District Court
P.O. Box 50131
Honolulu, Hawaii 96850

Proceedings recorded by machine shorthand, transcript produced
with computer-aided transcription (CAT).

1 impossible --

2 Q Okay.

3 A -- to bring back to the states, even 35 francs it's --

4 Q But the sum \$350,000, that's an amount that you had wired
5 to somebody in March of 1996, right?

6 A Yes, I did. Yes.

7 Q And that was from your Smith Barney account?

8 A Yes.

9 Q And so isn't it true that you were using that 350,000 wire
10 as, say, a cover, something to support the loan?

11 A No, this is --

12 Q Is that what you were doing?

13 A No, this is just money between -- for investment.

14 Q But your idea was to use that wire as support for this
15 loan to Mr. Yip?

16 A No.

17 Q You deny that?

18 A No. Never.

19 Q Never do it?

20 A Never.

21 Q Let me ask you this: How long have you known Mr. Yip?

22 A Maybe since 1990 -- after my husband passed away. So must
23 be late '94, '95. But I don't remember.

24 Q Okay. And over the years, at least when you were in
25 Honolulu, you do see him quite often, right?

2

- 1 A Not quite often.
- 2 Q Once a month?
- 3 A I -- I never saw Mr. Yip just the two of us. With Brenda.
- 4 Q Never saw Mr. --
- 5 A So, I don't remember how often. Sometimes he showed up
- 6 for lunch or sometimes he showed up for dinner, but I never
- 7 called him. I never make any appointment with him. So
- 8 definitely not often.
- 9 Q Did you ever have lunch just with you and Mr. Yip
- 10 together?
- 11 A Never.
- 12 Q Did you have dinner with Mr. Yip just you and him
- 13 together?
- 14 A Never.
- 15 Q Okay. So you never had these -- never had a lunch or
- 16 dinner with him at the Halekulani Hotel?
- 17 A Two? No.
- 18 Q Just the two of you?
- 19 A No, never.
- 20 Q All right. Do you recall purchasing in 1998, an 18-karat
- 21 gold ballerina black pearl ring with marquis diamonds from
- 22 Mr. Yip?
- 23 A Purchased? No.
- 24 Q You don't recall purchasing it?
- 25 A No.

1 Q Did you -- did you receive such an item?

2 A Yes.

3 Q From Mr. Yip?

4 A Yes.

5 Q And was that a gift to you?

6 A Yes.

7 Q And did he tell you it was a gift?

8 A Yes.

9 Q Now, tell me something, did -- have you ever told
10 Mr. Miki, of the IRS, that you received this gift from Mr. Yip?

11 A No.

12 Q Did you ever tell Mr. Osborne that?

13 A No.

14 Q Did you tell the previous Assistant U.S. Attorney
15 Mr. Recktenwald that?

16 A No.

17 Q Okay.

18 MR. CHANG: Your Honor, I have nothing further of the
19 witness.

20 THE COURT: All right. Mr. Osborne?

21 MR. OSBORNE: Thank you, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. OSBORNE:

24 Q Ms. Dmitrovsky, you did meet with both defendants at the
25 Halekulani Hotel; is that right?